**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---|
| IN RE "A MILLION LITTLE PIECES" LITIGATION | No. 06-md-1771<br>Hon. Richard J. Holwell |

**DECLARATION OF EVAN J. SMITH, ESQUIRE IN SUPPORT OF AMLP PLAINTIFFS' GROUP'S SUPPLEMENTAL MEMORANDUM REGARDING APPROVAL OF NOTICE PLAN**

I, Evan J. Smith, Esquire, hereby declares:

1. I am an attorney, duly licensed and admitted to practice law in the State of New York and in this Court. I am a partner in the law firm of Brodsky & Smith, LLC, counsel for Plaintiff Michele Snow in these coordinated proceedings. I have personal knowledge of the facts set forth in this Declaration. If called upon and sworn as a witness, I could and would competently testify to these facts.

2. During the settlement negotiations between Class Counsel and Defendants herein, there were many discussions about the possibility of notice through retailers. For a variety of reasons, it was determined that, even if possible in some form, it was unlikely that retailers would participate in a notice program tasking them with responsibility for tracking down and providing notice to book purchasers. The letters attached hereto confirm this determination.

3. Attached hereto as Exhibit "A" is a true and correct copy of the transcript of the April 6, 2007 hearing in these proceedings.

4. Attached hereto as Exhibit "B" are true and correct copies of Class Counsel's correspondence to the General Counsel of Borders Group, Inc. and the response thereto.

Dockets.Justia.com

5. Attached hereto as Exhibit "C" are true and correct copies of Class Counsel's correspondence to the General Counsel of Barnes & Noble and the response thereto.

6. Attached hereto as Exhibit "D" are true and correct copies of Class Counsel's correspondence to General Counsel of Amazon.com, Inc. and the response thereto.

7. Attached hereto as Exhibit "E" are true and correct copies of Class Counsel's correspondence to the General Counsel of Walmart/Walmart.com, Inc. and the response thereto.

8. Attached hereto as Exhibit "F" are true and correct copies of Class Counsel's correspondence to the General Counsel of Harpo Studios and the response thereto.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2007

*_/s Evan J. Smith, Esquire (ES3254)_*
Evan J. Smith, Esquire (ES3254)